SUPREME COURT, U. S.
Supreme Court, U. S.
FILED
NOV 23
MICHAEL RODAK, JR.

Appendix

In The
SUPREME COURT OF THE UNITED STATES

January Term 1974

NO. 72-1382

F. D. RICH CO., INC.; TRANSAMERICA INSURANCE COMPANY,
Petitioner,
v.
UNITED STATES of AMERICA, for the use of INDUSTRIAL LUMBER COMPANY, INC.
Respondent,

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED APRIL 13, 1973
CERTIORARI GRANTED OCTOBER 9, 1973

Appendix

In The
SUPREME COURT OF THE UNITED STATES

January Term 1974

NO. 72-1382

F. D. RICH CO., INC.; TRANSAMERICA INSURANCE COMPANY,
Petitioner,
v.
UNITED STATES of AMERICA, for the use of INDUSTRIAL LUMBER COMPANY, INC.
Respondent,

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED APRIL 13, 1973
CERTIORARI GRANTED OCTOBER 9, 1973

INDEX

Judgment after Remand, U.S. District Court for the Eastern District of California ..... EXHIBIT "1"

NOTE

Opinion of the U.S. Court of Appeals for the Ninth Circuit appears as EXHIBIT "A" in the Petition for Writ of Certiorari previously filed with this Court on April 13, 1973.

Judgment of the U.S. District Court For the Eastern District of California appears as "EXHIBIT "B" in the Petition for Writ of Certiorari previously filed with this Court on April 13, 1973.

EXHIBIT "1"

GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON, O'HERN & JOHNSON
2200 One Washington Plaza
Tacoma, Washington 98402
Phone: (206) 383-4311

COOPER & BRODOVSKY
Court Plaza Building
Suite 610, 901 H Street
Sacramento, California 95814
Phone: (916) 443-3993

ATTORNEYS FOR PLAINTIFF

In the
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, for the use of INDUSTRIAL LUMBER COMPANY, INC., a corporation, Plaintiff, —vs.— CERPAC, INC., a corporation; F. D. RICH CO., INC., a corporation; and TRANSAMERICA INSURANCE COMPANY, a corporation, Defendants.	No. CIV. S-247 JUDGMENT

THIS MATTER having come on for trial before the undersigned Judge of the above-entitled Court on May 5, 1970 and May 6, 1970, judgment having been entered October 29, 1970, and appeal and cross-appeal having

been taken, the appellate decision and judgment made and filed January 22, 1973, the appellate mandate having issued February 13, 1973, and plaintiff's motion for entry of order on mandate having been heard April 16, 1973, all remaining parties having appeared and being represented by counsel, the plaintiff, INDUSTRIAL LUMBER COMPANY, INC. (Industrial), appearing by and through Gordon, Thomas, Honeywell, Malanca, Peterson, O'Hern & Johnson, and E. M. Murray and Dennis S. Harlowe, and by Cooper, Sarkisian & Sands, and W. Austin Cooper; and the defendants F. D. RICH CO., INC. (Rich) and TRANSAMERICA INSURANCE COMPANY (Transamerica), appearing and being represented by Downey, Brand, Seymour & Rohwer and Ronald N. Paul; and the Court having considered the appellate decision and mandate, and the motions and affidavits in support and in opposition to plaintiff's motion for entry of order on mandate, and the Court having fully examined the record and files herein and being fully advised in the premises; it is hereby

ORDERED, ADJUDGED and DECREED that the plaintiff, INDUSTRIAL LUMBER COMPANY, INC., a corporation, have and recover judgment against the defendant F. D. RICH CO., INC. in the amount on the date hereof of $66,999.59, together with interest thereon at the rate of 7% per annum from the date (April 16, 1973) of entry of this judgment until paid. And it is further

ORDERED, ADJUDGER and DECREED that the plaintiff, INDUSTRIAL LUMBER COMPANY, INC., a corporation, have and recover judgment against

the defendant TRANSAMERICA INSURANCE COMPANY in the amount on the date hereof of $56,683.83, together with interest thereon at the rate of 7% per annum from the date (April 16, 1973) of entry of this judgment until paid. And it is further.

ORDERED, ADJUDGED and DECREED that the liability of defendant F. D. RICH CO., INC. and TRANSAMERICA INSURANCE COMPANY shall, up to the principal amount of $56,683.83, together with interest thereon at the rate of 7% per annum from and after April 16, 1973, be joint and several. And it is further

ORDERED, ADJUDGED and DECREED that defendants' Motion For Stay of Execution pending application for Certiorari is denied.

DATED this 16th day of April, 1973.

Honorable Philip C. Wilkins
United States District Judge

Presented by:

Approved as to form:

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:

WILLIAM C. ROBB
Clerk, U.S. District Court
Eastern District of California

By T. L. Adams
Deputy Clerk

Dated April 16, 1973